REMARKS

Applicants reply to the Final Office Action dated September 16, 2010, within two months. The Examiner rejects Claims 1-3 and 5-10. Applicants cancel claims 3 and 8 without disclaimer or prejudice to filing similar claims in the future. Claims 1, 2, 5-7, 9, and 10 are now pending in the application. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter is entered with these amendments. Applicants respectfully request reconsideration of this application.

Section 103 Rejection

The Examiner rejects claims 1-3 and 5-10 under 35 U.S.C. § 103(a) as being unpatentable over Lee et al. U.S. Patent No. 7,263,506 (Lee) in view of Penzias U.S. Patent No. 5,311,594 (Penzias). Applicants respectfully disagree with these rejections, but Applicants present claim amendments in order to clarify the patentable aspects of the claims and to expedite prosecution.

Independent claim 1 recites (and similarly recited in claims 6 and 7) a method for facilitating the processing of requests for an item that comprises, among other things, ***three specific evaluation steps***. Each evaluation step considers different criteria. The first step considers a comparison of a stored customer phone number with a phone number returned by an automatic number identification service. The value of this comparison is that the phone number received is automatically retrieved from the phone that is being used to make the request. This adds a substantial level of fraud prevention because a potential fraudster would have to place a call from the actual customer's phone in order to circumvent the protections. The second step considers personal customer information obtained when the request is executed. This step compares the personal customer information with information stored in a data base. The third step compares the passwords which are different than personal customer information as passwords should not relate to personal information but should be arbitrary strings only known to the customer. While some people may not know all of customer's personal information, people close to the customer will know some information. However, no one should know a customer's password. Unlike other password comparisons, step three compares the entered password with all previous passwords not just the current password.

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In the Examiner's response to Arguments, the Examiner cites Lee as disclosing three steps. Even assuming, *arguendo*, that Lee does teach three evaluation steps, Lee does not teach the three steps as recited in the claims. On the contrary, the Examiner submitted that Lee's steps include deciding which model to use, analyzing the selected model, and requesting evaluations of additional info. (See final office action dated 9-16-2010, page 3) As such, after comparing Lee's three steps to the criteria claimed, it is clear that Lee's three steps do not disclose those recited in claims 1, 6, and 7.

With regards to the criteria (i.e. automatic number identification service, personal customer information, and passwords) recited in the claims, the Examiner did cite certain sections of Penzias in attempting to disclose some of the criteria. Specifically, the Examiner alleges that Penzias column 4 lines 7-21 teaches all of these criteria. Applicants submit that this section does not disclose all of these criteria. For example this section does not disclose an automatic number identification (ANI) service. The ANI service is not simply a comparison of two phone numbers, but instead, the ANI independently acquires the telephone number that the requester is using. This independently acquired number is compared to the database number allowing a higher level of fraud prevention, not taught in either Lee or Penzias, by preventing the requestor from giving a fraudulent number.

With regards to personal customer information and password criteria, the Examiner states in the office action on page 4 that "the information is being used as a password even if it is not called such." This characterization by the Examiner ignores how one of ordinary skill in the art would interpret the claim language and the Penzias' language. Specifically, a person of ordinary skill in the art would not see password and personal information as the same thing especially if they are used in the same context to indicate two different things, as they are in the claims and the specification. While the Examiner may be correct to assert that Penzias col. 4 lines 7-21 teaches using stored identity information to effectuate a security gateway, this same identity information can not be asserted to be a password as well. As discussed previously, a password is different in nature than personal information. This is obvious in light of how the amendments incorporate the password. Specifically, the claims recite "current and all prior passwords."

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Passwords can change therefore you have a current password and old passwords. Personal information (e.g. names, social security numbers, birthdates, graduation dates, ect.) do not change in the same way. While it is true that some personal information could change (e.g. address, phone number, ect.), a person of ordinary skill in the art would see that the elements, personal information and password, as used in the claims, are not the same. As such, Penzias does not disclose both. Lee fails to cure this deficiency.

As the Examiner did not address the selective nature of criteria two as discussed in the last reply, Applicants resubmit it as a distinguishing feature. So assuming, *arguendo*, that Lee does disclose more than one evaluation and/or more than one criteria, Applicants assert that Lee still fails to disclose the selective nature of the second evaluation. Penzias fails to cure the deficiencies of Lee.

Accordingly, for at least the foregoing reasons, Applicants submit that amended independent claims 1, 6, and 7 are patentably distinguishable from Lee and Penzias. As such, Applicants request that the Examiner allow claims 1, 6, and 7 over the cited references.

Dependent claims 2, 5, 9 and 10 variously depend form claims 1 and 7, so Applicants assert that dependent claims 2, 5, 9 and 10 are allowable over the cited references for the reasons set forth above, in addition to their own unique features, some of which are stated above.

CONCLUSION

In view of the above remarks, Applicants respectfully submit that all pending claims properly set forth that which Applicants regard as their invention and are allowable over the cited references. Accordingly, Applicants respectfully request allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject Application. The Commissioner is authorized to charge any fees due to Deposit Account No. 19-2814.

Respectfully submitted,

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